

REMARKS

This Reply is in response to the Office Action mailed on October 7, 2002 in which claims 1-35 were rejected and claim 1 was objected to. With this Reply, claim 8 is cancelled without prejudice and claims 1, 3, 15, 17, 27 and 30 are amended. Claims 1-7 and 9-35 are presented by the Applicants for reconsideration and allowance.

I. OBJECTION TO CLAIM 1 DUE TO INFORMALITIES

Section 1 of the Office Action objected to claim 1 because lines 4-13 of page 17 of the present application require correction. As shown in Attachment B, with this Reply, the term "surface" of line 4 of claim 1 after the term "rear" is removed and replaced with the term "portion." Applicant believes this amendment to claim 1 overcomes the objection.

II. REJECTION OF CLAIMS 1, 4, 5, 7-13, 18-19 AND 21-25 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY ROHRER

Section 2 of the Office Action rejected claims 1, 4, 5, 7-13, 18-19 and 21-25 under 35 U.S.C. § 102(b) as being anticipated by Rohrer (U.S. Patent No. 6,302,807). Claim 1 is an independent claim and claims 4, 5 and 7-13 depend from claim 1. Claims 18-19 and 21-25 depend from independent claim 15. Claims 1 and 15 are amended to more clearly set forth the invention and is now believed to be patentably distinguishable over the cited prior art.

1. *Claims 1, 4, 5 and 7-13.*

Independent claim 1, as amended, recites a putter head including a toe portion, a heel portion, a generally vertically extending wall, and a unitary insert. The wall has a front strike face, a rear portion, an upper layer, and a lower layer. The upper layer, the lower layer and the rear portion each extend from the heel portion to the toe portion to define a recess rearwardly extending into the wall from the strike face. The rear portion of the wall is formed with variable thickness thereby providing the recess with a variable rearward depth. The unitary insert substantially fills the recess and is connected to the wall. The insert has a front

surface, a top surface, a bottom surface and a rear surface. The front surface is exposed, the top and bottom surfaces are substantially covered by the wall, and the front surface of the insert is substantially coplanar with the front strike face.

Rohrer does not disclose, teach or suggest the putter head of claim 1, as amended. Rohrer does not disclose, teach or suggest a putter head including a wall with a rearwardly extending recess and a unitary insert substantially filling the recess. In contrast, Rohrer discloses a golf club head having a rearwardly extending recess that is filled with a plurality of components including combinations of striking elements, viscoelastic materials, energy absorbing elements and a face plate. Rohrer does not teach, suggest or disclose a unitary insert substantially filling the recess within the club head. The golf club head embodiments disclosed and taught in Rohrer each require at least two separate inserts be inserted and properly aligned within the recess of the club head. The multiple inserts of Rohrer increase the complexity of the club head design, which often results in increased production costs and reduced durability and reliability. Further, the multiple inserts disclosed and taught in Rohrer require exact alignment with respect to the club head and the other inserts in order to obtain the proposed benefit of the Rohrer design.

The present application includes a unitary insert that can be readily installed to the putter head through castably molding or other means. The present invention does not require multiple inserts of multiple materials and the additional production steps inherently required in order to ensure the exact alignment of multiple inserts with respect to the club head and the other inserts. Additionally, the present invention does not unnecessarily create increased production costs or raise reliability or durability concerns.

Moreover, Rohrer also does not disclose, teach or suggest a putter head including a generally vertically extending wall having a front strike surface and a rearwardly extending recess wherein the recess is substantially filled by a unitary insert having a front surface that is substantially coplanar with front strike face. In contrast, Rohrer discloses a

plurality of components filling a golf club head recess wherein no unitary component substantially fills the recess and has a front surface that is substantially coplanar with the front strike surface of the wall of the putter head. A unitary insert substantially filling a recess of a putter head wherein the insert has a front surface that is substantially coplanar with the front strike surface of the putter head is not disclosed, taught or suggested by Rohrer.

Accordingly, it is respectfully submitted that claim 1, as amended, overcomes the rejection based upon Rohrer and is believed to be in condition for allowance. Claims 4, 5 and 7-13 depend from claim 1 and are believed to be patentable over Rohrer for at least the same reasons.

2. *Claims 18-19 and 21-25.*

Claims 18-19 and 21-25 depend from independent claim 15. Independent claim 15 is not specifically listed in any rejection of the Office Action. However, because dependent claims 18-19 and 21-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rohrer, Applicant believes that independent claim 15 was also intended to fall under the scope of this rejection.

Independent claim 15 is amended to more clearly set forth the invention from the cited prior art. The amended claim 15 recites a putter head including a generally vertically extending wall and only one insert. The wall has a front strike face and a rear surface. The wall has an insert region at the strike face defining a rearwardly extending recess of varying rearward depth. The insert is castably formed in the recess of the insert region. The single insert has a variable rearward depth to substantially fill the recess. The insert contacts the insert region of the wall.

Rohrer does not disclose, teach or suggest the putter head of amended claim 15. In particular, Rohrer does not disclose, teach or suggest a putter head including a wall with a rearwardly extending recess of varying rearward depth and only one insert castably formed and

substantially filling the recess, such that the insert has a variable rearward depth. In contrast, Rohrer discloses a golf club head having a rearwardly extending recess that is filled with a plurality of components including combinations of striking elements, viscoelastic materials, energy absorbing elements and a face plate. As stated above, these multiple components or inserts of Rohrer increase the complexity of the design and can result in increased production costs and reduced durability and reliability.

Rohrer does not teach, suggest or disclose a putter head with a recess of varying rearward depth and only one insert. Rohrer also does not teach only one insert castably formed to a putter head. Further, Rohrer does not disclose, teach or suggest only one insert substantially filling the recess. Moreover, Rohrer does not disclose, teach or suggest only one insert having a variable rearward depth. In addition, Rohrer in combination with the cited prior art references does not teach, suggest or disclose the putter head described above. Accordingly, it is respectfully submitted that amended claim 15 overcomes a rejection based upon Rohrer and is believed to be in condition for allowance. It is also respectfully submitted that claims 18-19 and 21-25, which depend from amended claim 15, are patentable over Rohrer for at least the same reasons.

III. REJECTION OF CLAIMS 6, 14, 20 AND 26 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER ROHRER

Section 3 of the Office Action rejected claims 6, 14, 20 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Rohrer. Claims 6 and 14 are dependent claims that depend from amended claim 1, and claims 20 and 26 are dependent claims that depend from amended independent claim 15.

Claims 1 and 15 are amended to more clearly set forth the invention and are now believed to be patentably distinguishable over the cited prior art. Because dependent claims 6, 14, 20 and 26 depend from either claim 1 or claim 15, claims 6, 14, 20 and 26 are believed to be patentable over Rohrer, for at least the reasons stated above.

**IV. REJECTION OF CLAIMS 2 AND 16 UNDER 35 U.S.C. § 103(a)
AS BEING UNPATENTABLE OVER ROHRER IN VIEW OF FISHER**

Section 4 of the Office Action rejected claims 2 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Rohrer in view of Fisher (U.S. Patent No. 6,270,422). Claim 2 is a dependent claim that depends from amended claim 1, and claim 16 is a dependent claim that depends from amended claim 15.

It is respectfully submitted that neither Rohrer nor Fisher, alone or in combination, teach, suggest or disclose the combination of elements and limitations of amended claim 1 or amended claim 15. The arguments stated above for distinguishing claims 1 and 15 from Rohrer are also applicable to Fisher. For example, Fisher does not disclose, teach or suggest a putter head having a recess of variable depth rearwardly extending from the front strike face of the putter head. ~~Nor does Fisher disclose, teach or suggest a single or unitary insert substantially filling the insert.~~ Because claims 2 and 16 depend from amended independent claims 1 and 15, respectively, claims 2 and 16 are believed to be patenably distinguishable over Rohrer in view of Fisher for at least the same reasons.

**V. REJECTION OF CLAIMS 3,17 AND 27-35 UNDER 35 U.S.C. § 103(a)
AS BEING UNPATENTABLE OVER ROHRER IN VIEW OF RIFE**

Section 5 of the Office Action rejected claims 3, 17 and 27-35 under 35 U.S.C. § 103(a) as being unpatentable over Rohrer in view of Rife (U.S. Patent No. 5,655,976). Claims 3 and 17 depend from amended independent claims 1 and 15, respectively. With this Reply, dependent claims 3 and 17, and independent claim 27, are amended to more clearly set forth the invention over the cited prior art. Claims 28-35 are dependent claims that depend from amended claim 27.

The amended claim 27 recites a putter head including a toe portion, a heel portion, a generally vertically extending wall, a sole portion, and an insert. The wall extends from the toe portion to the heel portion, and has a front strike face and a rear surface. A

rearwardly extending recess is defined into the strike face of the wall. The recess has varying rearward depth. The insert is formed of a first material. The insert substantially fills the recess and connects to the wall. The sole portion rearwardly extends from a lower portion of the wall. The sole portion has an elongate through-sole slot. The through-sole slot is disposed rearward of the insert and substantially parallel to the strike face.

It is respectfully submitted that neither Rohrer nor Rife, alone or in combination, teach, suggest or disclose the combination of elements and limitations of amended claim 27, or the combination of elements and limitations of dependent claims 3 and 17. In particular, neither Rohrer nor Rife, alone or in combination, teach, suggest or disclose a putter head having a recess of varying rearward depth rearwardly extending from the front strike face, and a through-sole slot extending through the sole portion of the putter head. As described in paragraph 0037 of the specification of the present application:

[t]he sole slot 56 increases and optimizes the sound generated by the putter head 12 during contact with a ball thereby enabling the user to readily adjust his or her putting stroke based, at least in part, upon the audible feedback generated by the putter head 12. The sole slot 56 is particularly advantageous when used in combination with the insert 20 due to the tendency for inserts, made of soft material, to reduce or deaden the sound generated by a putter during contact with a ball. The sole slot 56 enables a user to enjoy the soft feel that an insert 20 of soft material provides without negatively effecting the desirable sound produced by the putter 10. The generally centrally positioned sole slot 56 further displaces weight toward the toe and heel portions 26 and 28 of the putter head 12 which increases the moment of inertia of the putter head 12 as well as the putter head's resistance to twisting during off-center hits or mis-hits.

In contrast, Rife discloses a golf club head with a slot extending upward from the sole of the club head. The slot of Rife does not extend through the sole of the club and is completely filled with a bottom weight. The non-through-sole, filled slot of Rife offers none of the intended advantages, discussed above, of the through-sole slot of claim 27. Rohrer also does not teach, suggest or disclose the through-sole slot of the present application.

Accordingly, it is respectfully submitted that amended claim 27 overcomes the rejection based upon Rohrer in view of Rife, and is believed to be in condition for allowance. It is also respectfully submitted that claims 28-35, which depend from amended claim 27, are patentable over Rohrer and Rife for at least the same reasons. Further, it is respectfully submitted that amended dependent claims 3 and 17, which depend from amended independent claims 1 and 15, respectfully, also overcome the rejection based upon Rohrer in view of Rife, and are believed to be in condition for allowance for the reasons stated above.

V. CONCLUSION

Applicants respectfully request reconsideration of claims 1-7 and 9-35 for the reasons stated above. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration under 37 C.F.R. § 1.112 is respectfully requested. The Examiner is invited to telephone the undersigned at (847) 472-6104 to discuss any issues in this case in order to advance the prosecution thereof.

Respectfully submitted,

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**ATTACHMENT A
CURRENTLY PENDING CLAIMS**

Sub
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1. (Once Amended) A putter head comprising:
a toe portion;
a heel portion;
a generally vertically extending wall, the wall having a front strike face, a rear portion, an upper layer, and a lower layer, the upper layer, the lower layer and the rear portion each extending from the heel portion to the toe portion to define a recess rearwardly extending into the wall from the strike face, the rear portion of the wall being formed with variable thickness thereby providing the recess with a variable rearward depth; and
a unitary insert substantially filling the recess and connected to the wall, the insert having a front surface, a top surface, a bottom surface and a rear surface, the front surface being exposed, the top and bottom surfaces being substantially covered by the wall, the front surface of the insert being substantially coplanar with the front strike face.

2. (Unchanged) The putter head of claim 1, further comprising a sole portion rearwardly extending from a lower region of the wall, and wherein the sole portion has an upper surface, and wherein the upper surface has a sight line positioned substantially perpendicular to the strike face.

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3. (Once Amended) The putter head of claim 1, further comprising a sole portion rearwardly extending from a lower region of the wall, and wherein the sole portion has an elongate through-sole slot disposed rearward of the insert and generally parallel to the strike face.

4. (Unchanged) The putter head of claim 1, wherein the wall includes an upper rear edge generally extending from the heel portion to the toe portion, and wherein the upper rear edge is substantially parallel with the strike face to provide a top alignment line.

1 5. (Unchanged) The putter head of claim 1, wherein the insert is a lightweight
2 material selected from the group consisting of a urethane, an epoxy resin, a thermoplastic, a
3 thermoset material, an elastomer, and combinations thereof.

1 6. (Unchanged) The putter head of claim 1, wherein the insert is made of a
2 translucent material.

1 7. (Unchanged) The putter head of claim 1, wherein the insert is formed in a
2 shape selected from the group consisting of trapezoidal, triangular, polygonal, semi-circular,
3 semi-elliptical, and combinations thereof.

Claim 8 is cancelled without prejudice.

1 9. (Unchanged) The putter head of claim 1, wherein the recess extends
2 substantially across the entire width of the strike face.

1 10. (Unchanged) The putter head of claim 1, wherein the insert is castably formed
2 to the wall without the use of an adhesive.

1 11. (Unchanged) The putter head of claim 1, wherein the strike surface has an
2 intended strike region, and wherein the exposed front surface extends across the intended strike
3 region of the strike face.

1 12. (Unchanged) The putter head of claim 1, wherein the insert is formed of a
2 material having a durometer of between 40 and 65 on a Shore A hardness scale.

1 13. (Unchanged) The putter head of claim 1, wherein the insert is formed of a
2 material having a durometer of between 45 and 55 on a Shore A hardness scale.

1 14. (Unchanged) The putter head of claim 1, wherein the insert includes a center
2 portion, a toe end portion and a heel end portion, wherein the center, toe and heel portions of

3 the insert have first, second and third rearward depths, respectively, wherein the first rearward
4 depth is greater than either of the second and third rearward depths.

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15. (Once Amended) A putter head comprising:
a generally vertically extending wall having a front strike face and a rear
3 surface, the wall having an insert region at the strike face defining a rearwardly extending
4 recess of varying rearward depth; and
5 only one insert castably formed in the recess of the insert region, the insert
6 having a variable rearward depth to substantially fill the recess, the insert contacting the insert
7 region of the wall.

1 16. (Unchanged) The putter head of claim 15, further comprising a sole portion
2 rearwardly extending from a lower region of the wall, and wherein the sole portion has an
3 upper surface, and wherein the upper surface has a sight line positioned substantially
4 perpendicular to the strike face.

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17. (Once Amended) The putter head of claim 15, further comprising a sole portion
2 rearwardly extending from a lower region of the wall, and wherein the sole portion has an
3 elongate through-sole slot disposed rearward of the insert and generally parallel to the strike
4 face.

1 18. (Unchanged) The putter head of claim 15, wherein the wall includes an upper
2 rear edge generally extending from the heel portion to the toe portion, and wherein the upper
3 rear edge is substantially parallel with the strike face to provide a top alignment line.

1 19. (Unchanged) The putter head of claim 15, wherein the insert is a lightweight
2 material selected from the group consisting of a urethane, an epoxy resin, a thermoplastic, a
3 thermoset material, an elastomer, and combinations thereof.

1 20. (Unchanged) The putter head of claim 15, wherein the insert is made of a
2 translucent material.

1 21. (Unchanged) The putter head of claim 15, wherein the insert is formed in a
2 shape selected from the group consisting of trapezoidal, triangular, polygonal, semi-circular,
3 semi-elliptical, and combinations thereof.

1 22. (Unchanged) The putter head of claim 15, wherein the recess is defined in a
2 central region of the strike face, and wherein the exposed front surface of the insert extends
3 across the central region of the strike face.

1 23. (Unchanged) The putter head of claim 15, wherein the recess extends
2 substantially across the entire width of the strike face, and wherein the exposed front surface of
3 the insert is generally coplanar with the strike face.

1 24. (Unchanged) The putter head of claim 15, wherein the insert is formed of a
2 material having a durometer of between 40 and 65 on a Shore A hardness scale.

1 25. (Unchanged) The putter head of claim 15, wherein the insert is formed of a
2 material having a durometer of between 45 and 55 on a Shore A hardness scale.

1 26. (Unchanged) The putter head of claim 15, wherein the insert includes a center
2 portion, a toe end portion and a heel end portion, wherein the center, toe and heel portions of
3 the insert have first, second and third rearward depths, respectively, wherein the first rearward
4 depth is greater than either the second and third rearward depths.

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27. (Once Amended) A putter head comprising:
2 a toe portion;
3 a heel portion;
4 a generally vertically extending wall extending from the toe portion to the heel
5 portion, the wall having a front strike face and a rear surface;
6 a rearwardly extending recess defined into the strike face of the wall, the recess
7 having varying rearward depth;

8 an insert formed of a first material, the insert substantially filling the recess and
9 connected to the wall; and

10 a sole portion rearwardly extending from a lower portion of the wall, the
11 portion having an elongate through-sole slot, the through-sole slot disposed rearward of the
12 insert and substantially parallel to the strike face.

1 28. (Unchanged) The putter head of claim 27, wherein the sole portion has an
2 upper surface, and wherein the upper surface has a sight line positioned substantially
3 perpendicular to the strike face.

1 29. (Unchanged) The putter head of claim 27, wherein the wall includes an upper
2 rear edge generally extending from the heel portion to the toe portion, and wherein the upper
3 rear edge is substantially parallel with the strike face to provide a top alignment line.

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3 30. (Once Amended) The putter head of claim 27, wherein the first material of the
insert is a lightweight material selected from the group consisting of a urethane, an epoxy
resin, a thermoplastic, a thermoset material, an elastomer, and combinations thereof.

1 31. (Unchanged) The putter head of claim 27, wherein the insert is formed in a
2 shape selected from the group consisting of trapezoidal, triangular, polygonal, semi-circular,
3 semi-elliptical, and combinations thereof.

1 32. (Unchanged) The putter head of claim 27, wherein the recess extends
2 substantially across the entire width of the strike face, and wherein the exposed front surface of
3 the insert is generally coplanar with the strike face.

1 33. (Unchanged) The putter head of claim 27, wherein the insert is castably formed
2 to the wall without the use of an adhesive.

1 34. (Unchanged) The putter head of claim 27, wherein the insert is formed of a
2 material having a durometer of between 40 and 65 on a Shore A hardness scale.

- 1 35. (Unchanged) The putter head of claim 27, wherein the insert is formed of a
- 2 material having a durometer of between 45 and 55 on a Shore A hardness scale.

ATTACHMENT B
MARKED-UP VERSION OF AMENDED CLAIMS
PURSUANT TO 37 C.F.R. §§ 1.121(b)-(c)

1 1. (Once Amended) A putter head comprising:
2 a toe portion;
3 a heel portion;
4 a generally vertically extending wall, the wall having a front strike face, a rear
5 portion [surface], an upper layer, and a lower layer, the upper layer, the lower layer and the
6 rear portion each extending from the heel portion to the toe portion to define a recess
7 rearwardly extending into the wall from the strike face, the rear portion of the wall being
8 formed with variable thickness thereby providing the recess with a variable rearward depth;
9 and

10 a unitary [an] insert substantially filling the recess and connected to the wall, the
11 insert having a front surface, a top surface, a bottom surface and a rear surface, the front
12 surface being exposed, the top and bottom surfaces being substantially covered by the wall, the
13 front surface of the insert being substantially coplanar with the front strike face. —

1 3. (Once Amended) The putter head of claim 1, further comprising a sole portion
2 rearwardly extending from a lower region of the wall, and wherein the sole portion has an
3 elongate through-sole slot disposed rearward of the insert and generally parallel to the strike
4 face.

1 15. (Once Amended) A putter head, comprising:
2 a generally vertically extending wall having a front strike face and a rear
3 surface, the wall having an insert region at the strike face defining a rearwardly extending
4 recess of varying rearward depth; and

5 only one [a single] insert castably formed in the recess of the insert region, the
6 insert having a variable rearward depth to substantially fill the recess, the insert contacting the
7 insert region of the wall.

1 17. (Once Amended) The putter head of claim 15, further comprising a sole portion
2 rearwardly extending from a lower region of the wall, and wherein the sole portion has an
3 elongate through-sole slot disposed rearward of the insert and generally parallel to the strike
4 face.

1 27. (Once Amended) A putter head comprising:
2 a toe portion;
3 a heel portion;
4 a generally vertically extending wall extending from the toe portion to the heel
5 portion, the wall having a front strike face and a rear surface;
6 a rearwardly extending recess defined into the strike face of the wall, the recess
7 having varying rearward depth;
8 an insert formed of a first material, the insert substantially filling the recess and
9 connected to the wall; and
10 a sole portion rearwardly extending from a lower portion of the wall, the sole
11 portion having an elongate through-sole slot, the through-sole slot disposed rearward of the
12 insert and substantially parallel to the strike face.

1 30. (Once Amended) The putter head of claim 27, wherein the first material of the
2 insert is a lightweight material selected from the group consisting of a urethane, an epoxy
3 resin, a thermoplastic, a thermoset material, an elastomer, and combinations thereof.